

Meeting of 2009-6-23 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING
JUNE 23, 2009 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Bryan Long, Assistant City Manager
 Frank Jensen, City Attorney
 Traci Hushbeck, City Clerk

COL Ray Lacey, Fort Sill Liaison.

Mayor Purcell called the meeting to order at 6:09 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Rodger Schwenn, Sullivan Village Church of Christ, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
James Hanna, Ward Two
Janice Drewry, Ward Three
Jay Burk, Ward Four
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: None

ROLL CALL

AUDIENCE PARTICIPATION:

Rex Staeden, 8408 SE Woodlawn, stated he is the Vice President of the Lawton Softball Association. He requested funding for improvements at the McMahon softball complex at 38th and Lee Boulevard. Last year the LASA solicited a bid from a company out of Dallas to improve the fields. The price they were quoted to redo just the infields with top quality infield material and irrigation was \$40,000 per field. There are many improvements that need to be addressed at the complex. Only three of the new scoreboards are working out of the five. Every year the Chamber bids on national softball tournaments to increase revenue through hotel/motel tax and tourism. He stated they cannot attract tournaments with poor field conditions.

Burk questioned if staff knows that the scoreboards are broken.

Mr. Staeden stated Parks and Recreation staff has known about them all season long.

Haywood questioned what was wrong with the infields.

Mr. Staeden stated they are like concrete. In September they have a national tournament and they hit the ball hard. There are divots as well as rocks and gravel in the infield. He stated one of his players has broken his nose playing on the infield. The infield is also lower than the outfield and if they get any rain, they cannot play on the fields, they do nothing but hold water. He stated the outfields in two of the fields are fine. He invited everyone to come out and look at these fields.

Kim Shahan, Parks and Recreation Director, stated that during the budget discussions, \$100,000 was allocated for additional mowing operators so now they will be able to allocate more staff to work on ball field maintenance. He stated there is \$500,000 worth of needs out there. Over time the dirt has washed out and they will have to build those up. This will take \$40,000 for each infield, not the outfield. He stated every year he has requested these dollars to address these issues and it just has not been done. He stated we have had national tournaments every year for the past 6-8 years and they keep coming back. They need to get these facilities upgraded, but it is going to take dollars. One parking lot out there will cost \$100,000 to get it to where it needs to be. This is a problem that

has accumulated over twenty years.

Burk stated they need to address this and they need to develop a plan. He stated the broken signs really bother him because they just purchased those scoreboards.

Shahan stated this is the first he has heard about the scoreboards and he will check into the issue.

Burk stated these tournaments bring tourism dollars to Lawton. He stated they need to consider some of those tourism dollars that are available to help address these issues. He stated there are more issues than just the infields and they are lucky they haven't had someone killed.

Shahan stated there is a certain surface material that needs to be put on the fields. They are not talking about topsoil. That is why this is so expensive.

Burk questioned when the big tournament is.

Shahan stated September. He stated there is no one local who does this type of work.

Wells stated if they are not going to spend the money to maintain it after they spend all this money on upgrades then there is no sense in spending the money. He stated if Shahan was having problems getting the City Manager to approve funds for annual maintenance, then he needs to come to the City Council and let them know. They need to be maintained all the time.

Shahan stated they are not talking about a daily maintenance issue, they are talking about a complete renovation.

Wells stated if staff had problems getting money then they should have come to the City Council.

Shoemate stated through the years the Oklahoma wind blows the topsoil off the fields. He stated every town in Oklahoma has better facilities than us because we have not had the funds to upgrade those fields throughout the years. They need a facility like Chickasha.

Zarle stated he went out today and the fence and electrical outlets are a concern. There are some things out there that can be brought up to date fairly reasonably.

Haywood stated they need to address this issue as soon as possible.

Drewry stated they need to remember that this is McMahon Park and the McMahon Foundation has done a lot for this town and they need to have some pride in that park. They need to start somewhere.

Burk stated there is \$170,500 sitting in the tourism account that the need to expend by June 30th. He stated they need to try to get the two infields done as soon as they can. He suggested they allocate \$80,000 out of the tourism fund for two fields. They need to make it a commitment of the City Council to come up with a way to make a substantial change in the way the fields look.

Mayor Purcell stated that \$170,500 has to be spent before June 30th or it goes into the economic development fund. If this is what the City Council wants to do, they can call a special meeting to address this issue. He questioned if everyone was available next Monday, June 29th at 6:00 p.m. for a special meeting.

Everyone agreed.

Mayor Purcell stated that items #32 and #33 have been stricken from the agenda.

Dan Mullins, 201 W. Gore, stated a year and a half ago he came to the City Council and asked for permission to renovate the median at 2nd and Gore for a plaza to honor the Buffalo Soldiers who served throughout the southwest. He stated they established a not for profit corporation and have been fairly successful in renovating the median. They have spent about \$108,000 and have finished Phase I. Phase II is the parking lot and the statue. He stated Dr. Gary Gardner has created the statue. He requested that the City Council consider allocating \$60,000 for the completion of the statue and the parking lot. This will be the first creation in the Buffalo Soldiers corridor that was decreed by legislation under Governor Henry that stretched down I-44 from Tulsa through Oklahoma City into Lawton and this will be a wonderful tourist attraction. There will be good cross traffic with the Museum of the Great Plains.

Haywood commended Mr. Mullins for all of the things that he and his wife do for this community.

Burk stated that this is a great idea and it will finish off a big portion of this area.

Mayor Purcell stated this request has to do with tourism, it sits on city property and it is going to a non profit

corporation. He stated this will be brought up at the special meeting on Monday.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Purcell stated item #2 needs to be considered separately.

MOVED by Burk, SECOND by Haywood, to approve the Consent Agenda with the exception of item #2. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna. NAY: None. MOTION CARRIED.

1 Consider the following damage claims recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Alva and Shirley Rothell in the amount of \$172.11, Daryl and Francisca Garner in the amount of \$599.50 (**Res. 09-59**), Henry and Lee Sabine in the amount of 500.00 (**Res. 09-60**), Shannon Gibson in the amount of \$1,317.30 (**Res. 09-61**) and Catherine Tillman in the amount of \$1,050.00 (**Res. 09-62**). Exhibits: Legal Opinions/Recommendations. Resolution No.____, Resolution No.____, Resolution No.____, Resolution No.____.

2. Consider the following damage claims recommended for denial: Catherine Tillman in the amount of \$153.36 and Meoshia Porter in the amount of \$1,194.40. Exhibits: Legal Opinions/Recommendations.

Jensen stated they are not changing the recommendation, but there is an error in the item title. The title identifies Catherine Tillman as a claimant and it should state Andrea Johnson. He cannot be sure that right claimant received the letter of denial so he would like to table the claim listed for Catherine Tillman.

MOVED by Shoemate, SECOND by Zarle, to table the claim of Catherine Tillman/Andrea Johnson. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

MOVED by Hanna, SECOND by Drewry, to deny the damage claim of Meoshia Porter in the amount of \$1,194.40 AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

3. Consider approving an Agreement between the Lawton Chamber of Commerce Inc., and the City of Lawton to fund activities by the Chamber designed to encourage, promote and foster economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.

4. Consider approving an Agreement between the North Side Chamber of Commerce Inc., and the City of Lawton to fund activities by the Chamber designed to encourage, promote and foster economic development in the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.

5. Consider approving an Agreement between the Museum of the Great Plains Authority and the City of Lawton to fund the continued operation of the Museum, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement.

6. Consider approving a resolution extending the provisions of the parties FY 2007-2008 Collective Bargaining Agreement between the City and IUPA Local 24 into FY 2009-2010 until such time as the parties resolve their collective bargaining disputes, or until further action by the City Council. Exhibits: **Resolution 09-63**.

7. Consider approving a resolution extending the provisions of the FY 2008-2009 Collective Bargaining Agreement between the City and AFSCME Local 3894 into FY 2009-2010 until such time as the parties resolve their collective bargaining disputes, or until further action by the City Council. Exhibits: **Resolution 09-64**

8. Consider Authorizing Application and Acceptance of a Department of Justice Grant. Exhibit: None.

9. Consider accepting a Contract for Professional Services between Robison International, Inc. a consulting firm located in Washington D.C., and the City of Lawton to evaluate the future expansion of Fort Sill Maneuver Air Space, and authorize the Mayor and City Clerk to execute the proper documentation as necessary and appoint City Manager as the City of Lawton s designee. Exhibits: Proposed Contract for Professional Services Maneuver Space, excerpt from *Vision 2050*, accepted by Council Nov. 1, 2005.

10. Consider approving a release agreement with Arun and Elizabeth Tilak of 4707 NW Cheryl Boulevard for the partial reimbursement of installation expense of a backflow prevention valve in accordance with Council Policy 6-3, and authorize the Mayor and City Clerk to execute the document. Exhibits: Agreement between City of Lawton and Arun and Elizabeth Tilak is on file in the City Clerk s Office.
11. Consider accepting a grant from the Corporation for National and Community Service (CNCS) for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2009-2010 funding. Exhibits: Contract on file in City Clerk s Office.
12. Consider accepting a grant from the Oklahoma Department of Human Services (OKDHS) for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2009-2010 funding. Exhibits: Contract on file in City Clerk s Office.
13. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 4, 2009. Exhibits: **Resolution 09-65**.
14. Consider acknowledging receipt of permits for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to the serve D Avenue Sanitary Sewer Line Improvements, City of Lawton, Comanche County, Oklahoma. Exhibits: None.
15. Consider acknowledging receipt of permits for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to the serve NW 62nd Street Sanitary Sewer Line Improvements, City of Lawton, Comanche County, Oklahoma. Exhibits: None.
16. Consider adopting Street Light Resolution No. 461 to authorize the installation/removal of street lights at the location listed in the Resolution. Exhibits: Consider adopting Street Light Resolution No. 461 to authorize the installation/removal of street lights at the location listed in the Resolution.
17. Consider awarding a construction contract to Chamberlin Roofing & Waterproofing for the Lake Ellsworth Dam/Spillway Repair Project #2008-14. Exhibits: None.
18. Consider awarding a construction contract to Basin Environmental & Safety Tech for the Abandoned WWTP Demolition Phase 1 Sludge Removal Project #2009-3. Exhibits: None.
19. Consider approving the third amendment to the Engineering Services Agreement with Chiang, Patel, and Yerby, Inc., for one year extension of the Retainer Agreement. Exhibits: Third Amendment to the Agreement. Current contract is on file in the City Clerk s Office.
20. Consider extending the contract (CL08-002) Hydraulic Pump & Cylinder Repair with Horizon Hydraulics Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
21. Consider extending the contract (RFPCL05-061) Banking Services with IBC Bank of Lawton, OK. Exhibits: Department Recommendation, Proposal Comparison, Contract Extension Form.
22. Consider extending the contract (CL08-067) Manhole Rings & Covers with Water Products of Oklahoma Inc. of Owasso, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
23. Consider extending the contract (CL07-046) Electric Motor Repair with J&W Electric Motor Co. of Lawton, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
24. Consider extending the contract (CL07-050) Mowing & Litter Contract with Teen Challenge of Oklahoma of Cache, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.
25. Consider approving contract extension on a month-to-month basis for (RFPCL06-051) Employee Physicals/Drug Screen Testing. Exhibits: Memo from Human Resources, Letter from Center for Occupational Health.
26. Consider approving contract change order of (CL08-064) Temporary Workers. Exhibits: Change Order.
27. Consider approving appointments to boards and commissions. Exhibits: None.

Lawton Arts and Humanities Council

Charlotte Kealii Thompson
4822 SE Kincaid

Lawton, Oklahoma 73501
06/30/12

Mayor s Commission On The Status Of Women

Karen Woodward Alice Combs
Ward 3 Ward 3
4523 SW Cherokee 455 NW Chimmey Creek Drive
Lawton, Oklahoma 73501 Lawton Oklahoma 73507
06/29/11 06/29/11

Linda Sue Hills Cathy Herritt
Western District Ward 6
65 Foxfire Road 6410 NW Arrowhead
Lawton Oklahoma 73501 Lawton Oklahoma 73505
06/29/11 06/23/11

Museum Of The Great Plains Trust Authority

Ashley Cagle Paul Fisher
McMahon Institute
1908 SW 41st Street 308 NW Ridgeview Way
Lawton Oklahoma 73505 Lawton Oklahoma 73503
06/30/12 06/30/12

28. Consider approval of payroll for the period of June 1 -14, 2009.

OLD BUSINESS ITEMS:

29. Hold a public hearing and consider approving an ordinance closing the portion of the alley adjacent to Lots 1 3, Block 5, McClung Addition, also known as 902 SW Lee Boulevard. Exhibits: Ordinance No. 09-___, Agenda item and commentary of June 9, 2009.

Richard Rogalski, Planning Director, stated on June 9, 2009, the City Council opened the public hearing on this request. There were questions as to ownership of the lots and concerns from an adjacent property owner. The original request was to close the alley adjacent to Lots 1, 2, and 3, Block 5, McClung Addition. Research has found that Mt. Calvary Baptist Church, the applicant, owns Lots 1, 2, 13, 14, 15, and 16, Block 5, McClung Addition. Therefore, the church has agreed that the request must be amended to close the alley at the western edge of Lots 2 and 15. The church proposes to install fencing from the southwest corner of Lot 2 south across the alley then west to a point 20 feet from the west edge of Lot 13 then south to the north right-of-way of Washington Avenue. There would be a gate in the alley for vehicle access if needed. It was proposed that a new public access drive would be located on the west 20 feet of Lot 13 and include 16-foot wide hard surface paving. After discussion at the last meeting there was a question as to whether this alley was needed. They are now looking at closing a smaller portion of the alley. As a possible compromise solution, rather than extend the alley all the way south to Washington, they would provide a stub portion of the alley to provide for a turn around.

PUBLIC HEARING RE-OPENED

Pastor Brooks, Sr. Pastor of Mt. Calvary Baptist Church, stated he agrees with this recommendation as long as the City of Lawton assists with the construction of the turnaround with the church providing the materials. He feels that the turnaround would be constructed properly if the City assists. He stated they are struggling with the cost of the asphalt. He feels this is a reasonable compromise.

Mayor Purcell stated they need to make sure that they have the right information.

Shoemate suggested that it would be less costly to close it off at the church and place one-way signs in the alley going west. He washes his car there and everyone he sees goes out west to 10th Street, they do not go east.

Mayor Purcell questioned if Ms. Rush, who owns a home that backs up to the alley, had any objections to making the alley one-way.

Christy Rush, 913 Washington, stated she has to come from the east and go west in the alley to access her back yard.

Haywood stated he went out to visit Ms. Rush and she has a deep back yard. He stated her problem is really backing out against the laundry mat. He stated basically it is where she is located and she will still have problems.

Mayor Purcell stated he has heard that the one-way only alley will work for the church. He questioned if this would work for Ms. Rush.

Wells stated Ms. Rush could still come in from the east if the church provides her with a key to the gate.

Pastor Brooks stated their first preference would be to make the alley one-way.

Shoemate stated the church members could go in and out on their portion since it was chained off. He stated if Ms. Rush had a key to the gate, that would solve the problem.

Mayor Purcell stated no one would even need the turnaround.

Rogalski stated that in earlier conversations, Ms. Rush told him that she would prefer to have the turnaround.

Mayor Purcell stated that the church and the City of Lawton would have to pay for that and it is not our function to do that. We just need to make sure that she can get to her property through the alley and she will be able to do that when the church provides her with a key to the gate.

Jensen stated they will need to modify the current ordinance. He questioned if there was still a need for a 20-foot access easement identified in the next agenda item.

Rogalski stated if they choose to close the alley without the access easement, they can make the motion to approve without the easement and staff can modify the ordinance.

Mayor Purcell stated the second and third whereas on the ordinance will need to be deleted.

PUBLIC HEARING CLOSED

MOVED by Haywood, SECOND by Shoemate, to adopt **Ordinance 09-20** as amended, waive the reading of the ordinance, read the title only. AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED

(Title read by City Attorney)

Ordinance 09-20

An ordinance closing a portion of the alley located adjacent to Lots 1 and 2, Block 5, McClung addition addressed as 902 SW Lee Boulevard, more particularly described in section one hereof.

NEW BUSINESS ITEMS:

30. Consider accepting a 20-foot wide public access easement from Mt. Calvary Baptist Church for a 16-foot drive to be located on the west side of Lot 13, Block 5, McClung Addition. Exhibits: Access Easement on file in City Clerk's Office. Location Map. **THIS ITEM WAS STRICKEN FROM THE AGENDA.**

31. Consider approving an Ordinance pertaining to Stormwater and Floodplain Management repealing and replacing Sections 19A-2-1-202 and 19A-2-1-205 through 19A-2-1-214 and adding Section 19A-2-1-215, Division 19A-2-1, repealing and replacing Sections 19A-2-2-221 through 19A-2-2-223, Division 19A-2-2, repealing and replacing Sections 19A-2-3-231 through 19A-2-3-233 and repealing Sections 19A-2-3-234 and 19A-2-3-235, Division 19A-2-3, and repealing and replacing Sections 19A-2-4-241 and 19A-2-4-242, Division 19A-2-4, all in Article 19A-2, Chapter 19A, Lawton City Code, 2005, adopting and amending floodplain management regulations mandated by the Oklahoma Water Resources Board, providing for severability, codification, repealer, and declaring an effective date; and adopt the digital flood insurance rate maps and study. Exhibits: Ordinance No. 09-____, Floodplain Freeboard Fact Sheet. Digital Flood Insurance Rate Map and Study on file in License and Permits office.

Doug Wellhouse, Code Plans Supervisor, stated this ordinance changes to the code in order to meet federal regulations that are actually set out by the National Flood Insurance Program that the federal government implements. There are several sections in the code that are actually recommendations by the Oklahoma Water Resources Board and the City of Lawton as far as requirements to this ordinance. The federal government has redone all of our floodplain maps and has given us a deadline of July 24th to adopt these regulations. If we do not, they will drop us from the federal floodplain insurance program until we actually adopt these regulations and they approve our ordinance.

MOVED by Drewry, SECOND by Haywood, to adopt **Ordinance 09-21** waive the reading of the ordinance, read the title only and establishing an effective date of July 20, 2009. AYE: Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Zarle. NAY: None. ABSENT: Shanklin. MOTION CARRIED

An ordinance pertaining to stormwater and floodplain management repealing and replacing Sections 19A-2-1-202 and 19A-2-1-205 through 19A-2-1-214 and adding Section 19A-2-1-215, Division 19A-2-1, repealing and replacing Sections 19A-2-2-221 through 19A-2-2-223, Division 19A-2-2, repealing and replacing Sections 19A-2-3-231 through 19A-2-3-233 and repealing Sections 19A-2-3-234 and 19A-2-3-235, Division 19A-2-3, and repealing and replacing Sections 19A-2-4-241 and 19A-2-4-242, Division 19A-2-4, all in Article 19A-2, Chapter 19A, Lawton City Code, 2005, adopting and amending floodplain management regulations mandated by the Oklahoma Water Resources Board, providing for severability, codification, repealer, and declaring an effective date.

32. Discuss and consider allocating \$100,000 from Hotel/Motel Tourism Fund to provide financial assistance to Lawton Fort Sill Cavalry for current fiscal year expenses. Exhibits: Email from City Attorney stating legal opinion on issue and Approved Hotel/Motel Tax Allocation for FY 09-10. **THIS ITEM WAS STRICKEN FROM THE AGENDA.**

33. Consider a request for a revocable permit for placement of a subdivision entry sign and ornamental wall on a utility easement located at 6901 NW Silver Creek Circle. Exhibits: Location Map, Application. Revocable Permit is on file in the City Clerk's Office.

THIS ITEM WAS STRICKEN FROM THE AGENDA.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

COL Lacey stated that this morning Fort Sill officially stood up the Air Defense Artillery School at 9:00 a.m. in front of McNair Hall and at 2:00 p.m. They held the ribbon cutting on the ADA campus which was part of the \$210 million construction project both new build and renovation associated with the BRAC.

Long stated today they received a plaque from FEMA for outstanding participation in the floodplain program. This moved the City of Lawton from a rating of 7 to 6, which is a more progressive rating. The citizens involved in this program should save approximately 20%, which is equivalent to \$83,145 annually for the 801 participants in the program. This program has been around since 1978. Since the inception of the program, FEMA has paid out \$2.4 million in claims to Lawton residents. It is a program that is being used by our citizens.

Mayor Purcell reminded the Council of the special meeting on Monday, June 29, 2009 at 6:00 p.m. to discuss hotel/motel tourism funds. They will have to take action during this meeting. He stated they need to officially welcome the Air Defense community to the city of Lawton-Fort Sill.

The Mayor and Council convened in executive session at 7:11 p.m. and reconvened in regular, open session at 7:33 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

34. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to review the employment of Frank V. Jensen as City Attorney, and in open session take other action as necessary. Exhibits: None.

Mayor Purcell read the title of item 34. He stated everyone is pleased with the work that Frank is doing. No action is required.

Long stated the City Manager's Office has appreciated the expertise coming from the City Attorney's office.

There being no further business to consider, the meeting adjourned at 7:34 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

/s/ Traci L. Hushbeck

TRACI HUSHBECK, CITY CLERK